

REMARKS

Applicant has carefully reviewed the Official Action dated November 8, 2005, for the above identified patent application.

At page 2, paragraph 2 of the Official Action, Claims 2 - 4, 13 - 15 and 20 have been rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. With regard to the rejection of Claim 2 as being vague and indefinite, Applicant has amended the form of parent independent Claim 1 to recite a system for hanging curtains flatly, the system comprising a combination of one or more elongate hangers, the hangers having open suspension hooks at both ends thereof for suspension on a rod so as to be slideable along the rod, and at least one panel curtain mounted to and movable with each elongate hanger. Independent Claim 1 therefore positively recites a combination of panel curtains, elongate hangers, and open suspension hooks for the elongate hangers. The rod, which is inferentially recited in independent Claim 1, and the brackets which are recited in dependent Claim 2, are intended only to describe the operating environment of the system defined by the positively claimed elements recited in independent Claim 1.

With regard to the formal grounds of rejection of independent Claims 13 and 20, the form of these claims has been amended to clearly recite that one hook of one hanger is placed on one rod, and one hook of another hanger is placed on another

rod. This revision to the form of Claims 13 and 20 is supported at page 3, last paragraph of the original specification, and illustrated by Figure 7 of the original drawing. Applicant respectfully submits that the revision to the form of Claims 13 and 20 overcomes the formal grounds of rejection raised against these claims in the Official Action.

In addition to the revisions to the form of the claims made to overcome the formal grounds of rejection raised in the Official Action, Applicant has also amended the form of the claims to more closely conform to current United States patent practice. Among other things, the same terminology is now employed to identify the same elements recited in the different claims currently pending in the patent application. Applicant respectfully submits that all pending claims comply with 35 U.S.C. Section 112, second paragraph, in all respects.

New Claims 21 and 22, which depend from independent Claims 1 and 8, respectively, have been added to this patent application to claim additional features of the invention disclosed in the original specification and drawings. These claims recite that a single panel curtain is mounted to each elongate hanger, as disclosed at page 2, second paragraph of the original specification, and as illustrated by Figure 1 of the original drawings.

The fee for the two additional dependent claims added by the present Amendment is enclosed.

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At page 3, paragraph 4 of the Official Action, Claims 1 - 4 and 6 - 7 have been rejected under 35 U.S.C. Section 102(b) as being anticipated by Hoskinson et al (Des. 317,858); at page 3, paragraph 5 of the Official Action, Claims 1 - 4, 6 - 12 and 18 - 19 have been rejected under 35 U.S.C. Section 102(b) as being anticipated by Schofield (U.S. Patent No. 515,097); and at page 3, paragraph 7 of the Official Action, Claims 5, 13 - 17 and 20 have been rejected under 35 U.S.C. Section 103(a) as being obvious over a combination of Schofield and Tendrich et al (U.S. Patent No. 2,239,631). For the reasons to be discussed as follows, Applicant respectfully submits that all claims currently pending in the present application are allowable over the prior art applied in the Official Action.

Applicant initially notes that Claims 1 and 8 are the only independent claims pending in the present application. Therefore, for the purposes of simplifying the issues, the prior art rejections will be argued primarily with respect to the independent claims. If the independent claims are allowable, the dependent claims will also be allowable, at least for the same reasons as their respective parent independent claims.

As noted above, independent Claim 1 has been rejected as being anticipated by the Hoskinson et al patent, and as being anticipated by the Schofield patent, while independent Claim 8 has been rejected as only being anticipated by the Schofield patent.

Applicant initially notes that independent system Claim 1, and independent method Claim 8, are now both directed to "panel curtains". This is supported by Applicant's original disclosure at, for example, page 1, third paragraph; page 2, second paragraph, line 2; and the Abstract of the Disclosure. The expression "panel curtains", is a term recognized in the relevant art as meaning flat curtains that are hung so that they cannot be folded. Panel curtains are comparatively stiff (for example, starched), but they may also be soft. In the latter case, usually a straight steel rod is provided at the bottom of the curtains to keep them flat and for providing additional weight, which facilitates the sliding movement of a hanger for the panel curtain on a supporting rod.

With regard to the rejection of independent Claim 1 as being anticipated by the Hoskinson et al design patent, Applicant notes that the design patent discloses only a hanger for a foam board, and does not teach or suggest the system defined by independent Claim 1 including panel curtains mounted to elongated hangers having opened suspension hooks adapted to be suspended on a rod for slideable movement along the rod. As noted, the design

patent discloses only a hanger for a foam board, and nothing more. Although the Official Action states that intended use is given no patentable weight, Applicant notes that independent Claim 1 now covers a system in which the panel curtain, the elongated hanger for the panel curtain, and the suspension hooks for the elongated hanger for sliding the hanger along a rod, are positively recited in independent Claim 1.

With regard to the rejection of independent Claim 1 as being anticipated by U.S. Patent No. 515,097, Applicant notes that this patent discloses a conventional foldable curtain having a plurality of eyelets for split rings d and that the rings d are mounted in the bar B of twin rings A, A1. The reference does not teach or suggest the system for hanging panel curtains as expressly defined by independent Claim 1. U.S. Patent No. 515,097 is not directed to panel curtains and does not teach or suggest the specific structure, and the arrangement of structure, as positively recited in independent Claim 1 when all features of the claim are considered in the patentability determination.

Independent method Claim 8 has also been rejected as being anticipated by U.S. Patent No. 515,097. As noted above in the discussion of independent Claim 1, U.S. Patent No. 515,097 does not teach or suggest a method of hanging panel curtains including the steps specifically recited in independent Claim 8. On the contrary, this reference discloses only a conventional foldable

curtain having a plurality of eyelets for split rings which are mounted in the bar B of twin rings A, A1.

Independent Claims 1 and 8 have been rejected as being anticipated by the prior art. It is well established that a rejection based upon anticipation requires the Patent & Trademark Office to establish a strict identity of rejection between each rejected claim, and a single applied prior art reference. Stated in other words, a rejection of a claim as being anticipated by a prior art reference is inappropriate unless the reference discloses all features of the rejected claim, as arranged in the claim. See, for example, Connell v. Sears, Roebuck & Co., 220 USPQ 193 (Fed. Cir. 1983).

In the instant case, there is clearly no strict identity of invention between either Hoskinson et al or Schofield and independent Claim 1, or between the Schofield patent and independent Claim 8. As noted, neither of these two references teach or recognize a system or method for hanging panel curtains, nor do these references teach or suggest the specific structure of independent Claim 1 as arranged in the claim, or the specific method steps of independent Claim 8 as recited in the claim.

Applicant respectfully submits that independent Claims 1 and 8 are allowable over the prior art applied in the Official Action. Therefore, the remaining rejected dependent claims are

each allowable, at least for the same reasons as their respective parent independent claims.

The Tendrich et al patent has been applied, in combination with the Schofield patent, to reject certain of the dependent claims under 35 U.S.C. Section 103(a). Applicant notes, in passing, that the Tendrich patent discloses only a conventional, foldable shower curtains having eyelets for ordinary hooks 15. It clearly does not teach or suggest the inventions defined by independent Claims 1 and 8, either alone, or in combination with the Schofield patent.

For the reasons discussed herein, Applicant respectfully submits that all pending claims are in condition for allowance, and favorable action is respectfully requested.

Enclosed is the fee for the two dependent claims added by the present Amendment, in excess of the number of claims previously paid for in this patent application.

Respectfully submitted,



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